

PATENT COOPERATION TREATY

English Translation

(6)

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

| |
|-----|
| To: |
|-----|

| | |
|-------------------------------------|-------------|
| Date of mailing (day/month/year) | 19. 4. 2005 |
|-------------------------------------|-------------|

| |
|--|
| Applicant's or agent's file reference 4652-2PCT |
|--|

| |
|---|
| FOR FURTHER ACTION See paragraph 2 below |
|---|

| | | |
|--|--|--|
| International application No. PCT/JP2005/002779 | International filing date (day/month/year) 22. 02. 2005 | Priority date (day/month/year) 02. 03. 2004 |
|--|--|--|

| |
|---|
| International Patent Classification (IPC) or both national classification and IPC |
|---|

| |
|---------------------------------|
| Applicant MIKUNI CORPORATION |
|---------------------------------|

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

| | | |
|--------------------------------------|--|--------------------|
| Name and mailing address of the ISA/ | Date of completion of this opinion 30. 03. 2005 | Authorized officer |
| Facsimile No. | | Telephone No. |

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/002779

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☐ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed
- ☐ filed together with the international application in electronic form
- ☐ furnished subsequently to this Authority for the purposes of search

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/002779

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|--------|--------|-----|
| Novelty (N) | Claims | 1-8 | YES |
| | Claims | | NO |
| Inventive step (IS) | Claims | 2-5 | YES |
| | Claims | 1, 6-8 | NO |
| Industrial applicability (IA) | Claims | 1-8 | YES |
| | Claims | | NO |

2. Citations and explanations:

Document 1: JP 2002-155828 A (Mikuni Corp.),
2002. 5.31, Fig. 1; Par. Nos. [0029] to [0033]
& US 2004/0020475 A1 & EP 001340906 A & WO 2002/040856 A1

Document 2: JP 08-296526 A (Nippondenso Co., Ltd.)
1996. 11.12, Fig. 6; Par. Nos. [0021] to [0023]
(Family: none)

Document 3: JP 01-114972 U (Honda Motor Co., Ltd.)
1989. 08.02 Fig. 1
(Family: none)

Document 4: JP 59-71951 U (Fuji Heavy Industries Ltd.)
1984. 05.16, Page4, line 13 to page 5, line13; Fig. 1
(Family: none)

As shown in documents 1, in fuel jet mechanism to use an electronically controlled fuel injection system, an electronically controlled fuel device and a pitch difference with a fuel tank are used, and a thing removing vapor is well known.

And, separately from a fuel tank, it is mentioned in documents 2 that the vapor removal is done through a fuel chamber located in a high rank than a fuel injection system.

Therefore, the invention hanging in scope of claim 1 applies technical thought as claimed in the above mentioned as claimed in documents 2 to a thing as claimed in documents 1, and it is admitted that a person skilled in the art was able to be made easily.

In addition, it is suggested with "center pipe 3" and "fuel filter 2" of documents 3, and there is a matter specified in scope of claim 7, and this point cannot recognize inventive step.

Furthermore, since, disposing a filter at a desired position pro-fuel plumbing, difficulty according to status is not recognized as invention,

A matter specified by scope of claim 6,8 is recognized as matter of workshop modification of the degree that a person skilled in the art was able to adopt appropriately if necessary.

Invention to hang over scope of claim 2-5 is not mentioned in documents of nothing quoted in international search report either, it is not self-evident for a person skilled in the art.